

BEFORE THE DEPARTMENT OF CORRECTIONS  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW	)	NOTICE OF PUBLIC HEARING ON
RULE I pertaining to the Prison Rape	)	PROPOSED ADOPTION AND
Elimination Act and the amendment	)	AMENDMENT
of ARM 20.9.602, 20.9.607, 20.9.609,	)	
20.9.612, 20.9.613, 20.9.616,	)	
20.9.617, 20.9.619, 20.9.620,	)	
20.9.621, 20.9.623, 20.9.624, and	)	
20.9.630 pertaining to licensure of	)	
youth detention facilities	)	

TO: All Concerned Persons

1. On March 22, 2011, at 10:00 a.m., the Department of Corrections will hold a public hearing in room 4-65 of 5 South Last Chance Gulch, Helena, Montana, 59620, to consider the proposed adoption and amendment of the above-stated rules.

2. The Department of Corrections will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Corrections no later than 5:00 p.m. on March 16, 2011, to advise us of the nature of the accommodation that you need. Please contact Serenity Osborn, Department of Corrections, 5 South Last Chance Gulch, Helena, Montana, 59620; telephone (406) 444-9609; fax (406) 444-0522; or e-mail [SOsborn@mt.gov](mailto:SOsborn@mt.gov).

3. The proposed new rule to be adopted provides as follows:

NEW RULE I PRISON RAPE ELIMINATION ACT (1) Each facility must have a written policy, procedure, and practice to ensure that information is provided to juveniles about sexual abuse/assault including:

- (a) Each policy, procedure, and practice will include information regarding:
  - (i) prevention/intervention;
  - (ii) self-protection;
  - (iii) reporting sexual abuse/assault; and
  - (iv) treatment and counseling.

(b) The information will be communicated orally and in writing, in a language clearly understood by the juvenile, upon arrival at the facility.

(2) Each facility must have procedures to assure that juveniles are screened at the facility, via review of records and face-to-face interview, for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing assignments will be made accordingly.

(3) Each facility must have a written policy, procedure, and practice requiring that an investigation will be conducted and documented whenever a sexual assault is alleged, threatened, or occurs.

(4) Each facility must have a written policy, procedure, and practice requiring that juveniles identified as at-risk for sexual victimization are assessed by a mental health or other qualified professional. Such juveniles are identified, monitored, and counseled.

(5) Each facility must have a written policy, procedure, and practice to ensure that sexual conduct between staff and juveniles, volunteers and juveniles, and contract personnel and juveniles, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.

(6) All occurrences or allegations of sexual assault shall be referred to an appropriate medical facility for clinical assessment and gathering of forensic evidence by professionals who are trained and experienced in management of victims of sexual assault. If these procedures are performed in-house, the following guidelines shall be used:

(a) Provisions will be made for testing for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis, and other diseases) and release of information for purposes of medical management of both the victim and alleged perpetrator;

(b) A history will be taken by healthcare professionals who conduct an examination to document the extent of physical injury and to determine if referral to another facility is indicated. With the victim's consent, the examination includes collection of evidence from the victim, using a kit approved by the appropriate authority;

(c) Prophylactic treatment and follow-up for sexually transmitted diseases will be offered to all victims, as appropriate, if not already done in the emergency room;

(d) Follow-up by a mental health professional will be offered to assess the need for crisis intervention counseling and long-term follow-up; and

(e) A report will be made to the facility or program administrator or designee to assure separation of the victim from the youth's assailant.

(7) Each facility will have a written policy, procedure, and practice to provide that juveniles who are victims of sexual abuse and/or assault have the option to report the incident to a designated staff member other than an immediate point-of-contact line staff member.

(8) Each facility will have a written policy, procedure, and practice to provide that all case records associated with claims of sexual abuse and/or assault, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance with an established schedule.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to adopt New Rule I to comply with the Prison Rape Elimination Act (PREA) of 2003. Public Law 108-79 codified at 42 USC § 15601. PREA is a federal

act establishing requirements for preventing and eliminating rape of offenders within the correctional system including juveniles.

4. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

20.9.602 DEFINITIONS The following definitions apply to all youth detention facility licensing rules:

(1) through (4) remain the same.

(5) "Department" means the ~~d~~Department of ~~e~~Corrections as provided for in 2-15-2301, MCA.

(6) through (12) remain the same.

(13) "Mechanical restraint" means handcuffs, belly chains, shackles, or leg irons.

(14) remains the same.

(15) "PREA" means Prison Rape Elimination Act.

~~(15)~~(16) "Privileged correspondence" is correspondence between a youth and the youth's attorney, courts, government officials, facility director, or probation/parole officers.

(16) through (17)(c) remain the same but renumbered (17) through (18)(c).

(d) sexual abuse/assault by another youth or staff;

(e) injury to a youth, staff, or visitor which requires hospitalization; or

(f) the death of a youth, staff, or visitor.

(18) through (21) remain the same but renumbered (19) through (22).

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.602 to add a new definition for PREA and to improve writing style and clarify definitions.

20.9.607 CONFIDENTIALITY, DISPOSITION, AND DISSEMINATION OF RECORDS AND INFORMATION (1) and (2) remain the same.

(3) Each facility must remove and destroy all Department of Corrections and Youth Court records from a youth's file when the youth reaches the age of 18. All detention facility documents may be kept according to facility policy in accordance with 41-5-216, MCA.

AUTH: 41-5-1802, MCA

IMP: 41-5-216, 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.607 to add language to comply with 41-5-216, MCA.

20.9.609 ESCAPES (1) Escapes must be reported immediately to the law enforcement, and to the youth's probation officer, parent or legal guardian, and licensing specialist.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.609 to improve writing style.

20.9.612 MANAGEMENT, STAFF, AND TRAINING (1) and (2) remain the same.

(3) The facility shall employ, train, and supervise an adequate number of staff, ~~including immediately available same gender on-site staff,~~ in order to provide continuous awake supervision of youth ~~and at least one immediately available on-site staff member of the same gender as the youth.~~

(a) through (ii) remain the same.

(b) No staff member or other person having direct contact with the youth in the facility shall conduct themselves in a manner which poses any potential threat to the health, safety, or well-being of the youth in detention.

(4) remains the same.

(a) ~~post secondary degree or extensive/~~relevant experience working with youth;

(b) remains the same.

(c) have successfully passed background checks by both law enforcement and the ~~e~~Child ~~p~~Protective ~~s~~Services ~~d~~Division of the ~~d~~Department of ~~p~~Public ~~h~~Health and ~~h~~Human ~~s~~Services;

(d) be physically, mentally, and emotionally competent to care for youth; and

(e) understand the purpose of the youth detention facility and be willing to carry out its policies and programs; ~~and,~~

(5) through (5)(a) remain the same.

(b) each new juvenile detention officer in the first year of employment complete 120 hours of training as defined by American ~~e~~Correctional ~~a~~Association (ACA) standards ~~(1-SJD-1D-05)~~, and applicable Montana law;

(c) remains the same.

(d) cardiopulmonary resuscitation (CPR) and First Aid training be accomplished annually by each youth care staff member in addition to the required 20 hours of annual training.

(6) remains the same.

(a) ~~be certified~~ certification in ~~cardiopulmonary resuscitation (CPR);~~

(b) ~~orientation to the~~ purpose, goals, policies, and procedures of the facility;

(c) through (j) remain the same.

(k) communicable diseases and blood-borne pathogens; ~~and~~

(l) the provisions of the Montana Youth Court Act; and

(m) PREA.

(7) remains the same.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.612 to comply with the Prison Rape Elimination Act (PREA), to delete the requirement for staff to have a postsecondary degree because facilities cannot fill staff positions if staff is required to have a postsecondary degree and ACA standards do not require a postsecondary degree, to reflect current ACA standards, and to improve writing style and clarify language.

20.9.613 ENVIRONMENT (1) The facility shall provide an adequate and potable supply of water.

(a) The facility shall:

(a) (i) connect to a public water supply system approved by the Montana Department of Environmental Quality; or

(b) (ii) for a facility utilizing a nonpublic water system, ~~the department hereby adopts and incorporates by reference the following circulars setting forth relevant water quality standards prepared by and available from the Department of Environmental Quality, 1520 E. Sixth Avenue, Helena, MT 59620: follow and conform to all Montana Department of Environmental Quality rules, regulations, and standards for small water systems.~~

~~(i) circular #11 for springs;~~

~~(ii) circular WQB 3 - Montana Department of Environmental Quality standards for small water systems (1992 edition); and~~

~~(iii) circular #17 for cisterns.~~

(e) (b) If a nonpublic water supply is used, the facility shall submit a water sample at least once a quarter (January 1 - March 31, April 1 - June 30, July 1 - September 30, and October 1 - December 31) to a laboratory licensed by the Montana Department of Public Health and Human Services for a coliform bacteria test of the system and a nitrate test of the system at least once every three years. Bacteriological testing of a water supply must be in accordance with ARM 17.38.215.

(i) Sampling results must be kept at the facility and a copy of the results provided to the department and the local Montana Department of Public Health and Human Services.

(ii) remains the same.

(d) remains the same but is renumbered (c).

(e) (d) Extension, alteration, repair, and replacement of a water supply system, or development of a new water supply system must be in accordance with ARM 17.36.301 through 17.36.305, the Montana Department of Environmental Quality regulations and if the system is a public water supply system, ARM 17.38.101 through 17.38.105.

(f) remains the same but is renumbered (e).

(g) (f) ~~The department hereby adopts and incorporates by reference the provisions of ARM 17.38.101 through 17.38.105, which describe water system review requirements for public water supply systems, ARM 17.36.301 through 17.36.305, which describe water system review requirements for subdivisions; ARM~~

~~17.38.201 through 17.38.207, which set maximum contaminant levels; and ARM 17.38.214, which describes bacteriological water sample testing requirements. Copies of the above-mentioned rules may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901. Facilities must follow and conform to all Montana Department of Environmental Quality rules and regulations relating to review procedures and testing requirements.~~

(2) An adequate and safe sewage system must be provided for conveying, treating, and disposing of all sewage. Immediate measures must be taken to alleviate health and sanitation hazards caused by sewage at the youth detention facility.

(a) To ensure sewage is safely disposed of, the facility shall either:

~~(a) (i) connect to a public sewer approved by the Montana Department of Environmental Quality; or~~

~~(b) (ii) If a nonpublic system is utilized, follow and conform to all applicable Montana Department of Environmental Quality standards, rules, and regulations the department hereby adopts and incorporates by reference the following circulars which set forth standards for sewage disposal. Copies of the circulars may be obtained from the Department of Environmental Quality at the above address.~~

~~(i) circular WQB 4 - Montana Department of Environmental Quality standards for multi-family sewage systems and public subsurface sewage treatment systems (1992 edition); and~~

~~(ii) circular WQB 5 - Montana Department of Environmental Quality minimum design standards for on-site alternative sewage treatment and disposal systems (1992 edition).~~

(c) through (c)(iii) remain the same but are renumbered (b) through (b)(iii).

(iv) a mechanical failure occurs, including electrical outage, or collapse or breakage of a septic tank, lead line, or drain field line.

~~(d) (c) Extension, alteration, replacement, or new development of any sewage system must be in accordance with all applicable rules, regulations, and standards of the Montana Department of Environmental Quality ARM 17.36.301 through 17.36.305 and, if the system is a public sewage system, ARM 17.38.101 through 17.38.105.~~

~~(e) (d) Liquid wastes from sinks, showers, toilets, or baths are not allowed to accumulate on the ground surface. Such waste must be discharged into the sewage system approved by the Montana Department of Environmental Quality or the local health authority.~~

~~(f) The department hereby adopts and incorporates by reference the provisions of ARM 17.36.301 through 17.36.305 setting standards for sewage treatment and disposal systems, and ARM 17.38.101 through 17.38.105, setting requirements for public water and sewer plans and cross connections. Copies of the above rules may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901.~~

(3) through (3)(b) remain the same.

(c) transport or utilize a private or municipal hauler to transport the solid waste in a covered vehicle or covered containers at least weekly to a landfill site approved by the Montana Department of Environmental Quality or a local solid waste district.

(4) and (5) remain the same.

(6) There must be hot and cold water available in the facility. Hand sinks must be provided with water at a temperature not more than 120°F. ~~and b~~ Bathing facilities must be provided with water at a temperature of at least 100°F and not more than 120°F. Youth should be encouraged to shower or bathe at least three times per week.

(7) remains the same.

(a) Sheets, pillow ~~covers~~ cases, towels, and washcloths must be machine washed at a minimum temperature of 130°F for a minimum time of eight minutes and dried in a hot air tumble dryer or ironed to a minimum temperature of 150°F. Appropriate detergents and sanitizers must be used.

(b) and (c) remain the same.

(d) All bedding, towels, and washcloths provided by the youth detention facility must be clean and in good repair. Clean, laundered bed sheets and pillow cases must be provided on each bed and must be replaced by clean, freshly laundered sheets and pillow cases after the departure of each youth and prior to occupancy by the next youth. Clean bedding and linens must be available to each youth at least weekly or more often, as necessary.

(8) remains the same.

(9) Cleaning compounds and pesticides must be stored, used, and disposed of in accordance with the manufacturer's instructions. Material Safety Data Sheet (MSDS) book must be maintained and updated.

(10) remains the same.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.613 to reflect that water quality standards are the responsibility of the Montana Department of Environmental Quality and are covered in their rules, regulations, and standards and that detention centers must adhere to Montana Department of Environmental Quality rules, regulations, and standards in these areas. The department also proposes to amend this rule to adopt OSHA and ACA requirements and standards. The Department of Corrections also proposes to amend this rule to improve writing style and clarify language.

20.9.616 FIRE SAFETY (1) and (2) remain the same.

(3) Written policy, procedure, and practice must provide for a comprehensive and thorough weekly inspection of the facility by a ~~qualified~~ designated staff member for compliance with safety and fire prevention standards. This policy and procedure must be reviewed annually and updated as needed.

(4) through (7) remain the same.

(8) All facility personnel must be trained in the implementation of written emergency plans. ~~Work stoppage and riot/disturbance plans may be communicated only to appropriate supervisory or other personnel directly involved in the implementation of those plans.~~

(9) remains the same.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.616 to clarify language and to move language regarding work stoppage and riot/disturbance plans to a more appropriate location.

20.9. 617 SAFETY AND SECURITY (1) through (3)(f) remain the same.

(g) preventing escapes;

(g) and (h) remain the same but renumbered (h) and (i).

(4) and (5) remain the same.

(6) All living and sleeping areas must be kept free of bars, grates, hooks, or any other physical features which may reasonably be expected to present a suicide risk to youth.

(7) through (10) remain the same.

(11) Work stoppage and riot/disturbance plans may be communicated only to appropriate supervisory or other personnel directly involved in the implementation of those plans.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.617 to comply with American Correctional Association Standards for Juvenile Detention Facilities, 3-JDF-3B-13; to include language regarding work stoppage and riot/disturbance moved from ARM 20.9.616; and to improve writing style.

20.9.619 ADMISSION (1) through (4)(c) remain the same.

(d) the youth's personal property, if removed, must be properly itemized, signed for by the youth and staff, and held safely. The youth must be advised that all personal belongings will be returned to ~~him~~ the youth when ~~he~~ the youth leaves, with the exception of illegal contraband or evidence;

(e) through (f)(ii) remain the same.

(iii) pillow and pillow case or integrated pillow/mattress system;

(iv) through (vi) remain the same.

(g) Youth uniforms must be laundered or exchanged at least twice a week.

The youth's own clothing must be laundered ~~if needed~~ and safely stored.

(5) The facility shall provide youth, without charge, with the following articles necessary for maintaining personal hygiene ~~and without charge to indigent youth:~~

(a) through (c) remain the same.

(d) comb; ~~and~~

(e) products for female hygiene needs;

(f) deodorant; and

(g) hand towel.

(6) through (6)(k) remain the same.



- (l) emergency contact number of placing agency; and
- (m) a violence risk assessment;
- (n) PREA screening; and
- (o) suicide risk screening by nationally recognized assessment screening

tool.

(7) through (7)(a) remain the same.

(b) Any prescription medication in the possession of a youth at admission must be labeled for identification and determination must be made at the earliest possible time regarding the need for its continued use by contacting the prescribing health care professional. A written record of the diagnosis, treatment, and medication prescribed must be placed in the youth's detention file maintained in the facility files.

(8) remains the same.

(9) If a youth is hungry at admission, ~~he~~ the youth must be given sufficient food to sustain the youth until the next regular meal.

(10) After a youth has been admitted, showered, issued clothing and other essentials, but prior to disciplinary action or integration with other youth and within 24 hours of admission, the youth shall receive orientation and a printed copy of ~~on the policies and procedures of the detention facility rules and youth rights prior to disciplinary action or integration with other youth and within 24 hours of admission.~~

(a) ~~The youth must be given a copy of the printed facility rules and the youth's rights.~~ Staff shall explain or clarify the contents of the material, especially for:

- (i) youth who do not have adequate reading or comprehension skills;
- (ii) disabled youth; and
- (iii) youth who do not speak English.

(b) through (11) remain the same.

(12) Facility policy and procedure must grant all youth the right to make at least two local or long-distance telephone calls to family members, attorneys, or other approved individuals at some time during the admission process.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.619 to comply with the Prison Rape Elimination Act (PREA) of 2003; to reflect that only integrated pillow and mattress systems are available for purchase; to clarify that all youth's clothing are required to be laundered when entering the juvenile detention center to avoid contamination of other youth's stored clothing; to maintain medication information within the facility but not within the youth's file because medication information is not appropriate in the youth's file; to clarify that youth do not need to know all juvenile detention facility policies and procedures, only the rules and rights that are pertinent to them; to clarify specific youth that the facility must assist; to make the rule gender neutral; and to improve writing style and clarify language.

20.9.620 RIGHTS OF YOUTH (1) through (4) remain the same.

(5) Youth will be offered at least one hour of large muscle exercise during each 24-hour period.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.620 to comply with American Correctional Association Standards for Juvenile Detention Facilities, 3-JDF-5E-04.

20.9.621 COMMUNICATION/MAIL (1) through (1)(b) remain the same.

(c) At the youth's request, the facility ~~may~~ shall provide postage for the mailing of a maximum of two letters per week ~~for each youth.~~

(d) Appropriate stationery, envelopes, and a writing implement must be supplied.

(e) Written policy and procedure must specify that youth are permitted to send sealed letters to a specified class of persons and organizations and privileged correspondence including but not limited to courts, counsel, officials of the confining authority, administrators of grievance systems, and members of the releasing authority.

(f) through (i) remain the same.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.621 to make providing postage a requirement and not permissive to comply with American Correctional Association Standards for Juvenile Detention Facilities, 3-JDF-5G-03. The Department of Corrections also proposes to amend ARM 29.9.621 to improve writing style.

20.9.623 HEALTH CARE (1) through (4)(a)(vi) remain the same.

(b) ~~O~~observation of:

(i) through (iii) remain the same.

(c) ~~M~~medical disposition of youth:

(i) through (iii) remain the same.

(5) Written policy, procedure, and practice must provide for 24-hour emergency medical, dental, and mental health care availability as outlined in a written plan that includes arrangements for the following:

(a) through (f) remain the same.

(6) Written policy, procedure, and practice must provide that direct care staff and other personnel are trained to respond to a health-related emergency within a ~~five~~ four-minute response time. A training program must be established by the facility director under the supervision of and in cooperation with the responsible health authority. The plan must include the following:

(a) through (7) remain the same.

(8) Written policy must prohibit the use of youth for medical, pharmaceutical,

or cosmetic experiments. Policy may not preclude individual treatment of a youth based on ~~his/her~~ the youth's need for a specific medical procedure that is not generally available.

(9) and (10) remain the same.

(11) If a youth's ~~custody~~ condition or status precludes attendance at sick call, ~~the facility must make arrangements must be made~~ to provide sick call services ~~at to~~ the place of the youth's detention youth.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.623 to comply with American Correctional Association Standards for Juvenile Detention Facilities, 3-JDF-4C-27 and to improve writing style and clarify language.

20.9.624 SERVICES AND PROGRAMS (1) through (2)(a) remain the same.

(b) Psychiatric, psychological, medical, and other diagnostic services, as determined by the youth court, must be available to every youth either provided directly by the facility or by contracting with ~~another county or agency~~ an outside agency or licensed provider which provides such services.

(c) through (5) remain the same.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.624 to specify the entities with which the facility may contract for psychiatric, psychological, and medical services.

20.9.630 MECHANICAL RESTRAINT (1) through (3) remain the same.

(4) ~~A youth who is mechanically restrained~~ The facility may shall not:

~~(a) be denied~~ deny food to a youth who is mechanically restrained; or

~~(b) subjected to a youth~~ to corporal punishment or abusive or degrading treatment.

(5) through (7)(a) remain the same.

(b) The use of mechanical restraint must be for the minimum period of time necessary to enable the youth to gain control of ~~his~~ the youth's behavior and if in excess of one hour, the youth must be evaluated by a mental health professional;

(c) through (8) remain the same.

(9) Facility staff must be trained by a ~~pPeace eOfficer sStandard tTraining~~ (POST) certified trainer in the use and effect of mechanical restraint.

(10) and (11) remain the same.

AUTH: 41-5-1802, MCA

IMP: 41-5-1802, MCA

STATEMENT OF REASONABLE NECESSITY: The Department of Corrections proposes to amend ARM 20.9.630 to make the rule gender neutral, and to improve writing style and clarify language.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Serenity Osborn, Department of Corrections, 5 South Last Chance Gulch, Helena, Montana, 59620; telephone (406) 444-9609; fax (406) 444-0522; or e-mail [SOsborn@mt.gov](mailto:SOsborn@mt.gov), and must be received no later than 5:00 p.m., March 24, 2011.

6. Diana Koch, Department of Corrections, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Diana Koch  
Diana Koch  
Rule Reviewer

/s/ Mike Ferriter  
Mike Ferriter  
Director  
Department of Corrections

Certified to the Secretary of State February 14, 2011.